

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Badlands Sanitary Landfill
SWIS No. 33-AA-0006
May 9, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Badlands Sanitary Landfill, SWIS No. 33-AA-0006, located in Riverside County and owned and operated by Riverside County Department of Waste Resources. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on February 10, 2016. The Department subsequently determined the Joint Technical Document (JTD) submitted as part of the permit application package would need to be revised. In order to address Department comments on the JTD, and to allow CalRecycle additional time to review the revisions, the operator waived the LEA and Department's statutory review timelines, pursuant to Public Resources Code Sections 44008 and 44009, respectively, on April 6, 2016 to May 13, 2016. A new proposed permit was received on April 22, 2016 and May 4, 2016. If no action is taken by July 3, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current Permit (2011)	Proposed Permit
Name and Mailing Address of Operator and Owner	Riverside County Waste Management Department 14310 Frederick Street Moreno Valley, CA 92553	Riverside County Department of Waste Resources 14310 Frederick Street Moreno Valley, CA 92553
Permitted Hours of Operation	Receipt of Refuse/Waste: 4:00 am to 8:00 pm Monday-Saturday Maintenance/Ancillary Activities: 24 hours/day, 7days/week	Receipt of Refuse/Waste: 4:00 AM-08:00PM Monday-Sunday Ancillary Operations/Facility Operating Hours: 24hr/day, 7 days/week Facility closed on the following: New Year's Day; Memorial Day; Independence Day; Sunday prior to Labor Day; Labor Day; Thanksgiving Day; Christmas Day; and other days as per Riverside County Ordinance 358
Permitted Maximum Tonnage	4,000 tons per day	4500 Tons per Day - Disposal Beneficial Reuse: 300 Tons per Day- ADC, Erosion Control, etc.

Remaining Capacity (cubic yards)	33,560,993 cy	34,400,000
Estimated Closure Year	2024	2022

Other Changes include:

1. Revisions to the following sections of the SWFP: “Findings,” “Prohibitions,” documents that describe and/or restrict the operation of the facility, “Self-Monitoring,” and “Enforcement Agency (EA) Conditions” including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues:

The proposed permit will allow for the following:

1. Add Sunday as a day of operations
2. Revise disturbance limit boundaries (no additional acres, just realigning according to areas that have/haven’t been disturbed);
3. Modify the daily permitted disposal capacity from 4,000 tons per day to 4,500 tons per day (tpd) (existing permit has capacity at 4,000 tpd for disposal and 800 tpd of green waste/ADC/other material used for beneficial re-use and is now proposed as 4,500 tpd for disposal and 300 tpd of beneficial re-use);
4. Accept non-hazardous high moisture content waste;
5. Accept State-regulated non-hazardous asbestos containing waste for disposal;
6. Revise acceptance of treated wood waste from 30 tons per day to 130 tons per month;
7. Accept non-hazardous sludge for disposal;
8. Recirculate landfill leachate and landfill gas condensate;
9. Increase total disposal capacity through grading modifications that include an engineered plug (berm);
10. Addition of 836,000 cubic yards of air space from increased compaction efficiencies, continued use of tarps and adjustments to final grading design;
11. Change the estimated closure year from 2024 to 2022; and
12. Change the name of the owner and operator from Riverside County Waste Management Department to Riverside County Department of Waste Resources.

Background

Badlands Sanitary Landfill is an existing permitted Class III municipal solid waste facility owned and operated by the Riverside County Department of Waste Resources. The landfill began accepting refuse in 1966 and operated as a burn dumpsite until 1970, when landfill operations commenced. The property is located in unincorporated land within the City of Moreno Valley, which only accepts non-hazardous municipal solid waste for disposal. This facility utilizes two different types of Alternative Daily Cover, tarps (geosynthetic blankets) and processed green material, in accordance with Title 27 of the California Code of Regulations (27 CCR), Section 20690 and as described in the JTD.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by 27 CCR, Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 21, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 20 2016. The LEA provided a copy to the Department on April 22 2016. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on May 4, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 22, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated May 12, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their email dated March 15, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The written estimate to cover the cost of known or reasonable foreseeable corrective action has been submitted. Engineering Support Branch staff in the Closure and Facility Engineering Unit will recommend approval of the estimate provided the comments are addressed and responses determined acceptable as described in their memorandum dated March 15, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated April 20, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated April 20, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 24, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 22, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 1, 2015. No written comments were received by the LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 24, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016 (March) – One Violation of 27 Section 20810 – Vector and Bird Control
- 2015 (December) – One violation of 27 CCR Section 20680 – Daily Cover
- 2014 (March) - Three violations of 27 CCR, Section 20680 – Daily Cover, Section 20690 – Alternative Daily Cover, and Section 20830 – Litter Control
- 2013 (April) - One Violation of 27 CCR Section 20680 – Daily Cover
- 2012 (February) - One violation of 27 CCR Section 20680 – Daily Cover

- 2011 (June, July, September, & October) - Violation of 27 CCR Section 20921 – Gas Monitoring and Control; (August – September) – Violation of 27 CCR Section 20937 – Reporting and Control of Excessive Gas Concentrations

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by Riverside County, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: 1) add Sunday operations; 2) accept non-hazardous asbestos containing waste for disposal; 3) increase total disposal capacity through grading modifications that include an engineered plug (berm); 4) revise the disturbance limit boundaries (no additional acres, just realigning the areas that have/haven't been disturbed); 5) accept non-hazardous high moisture content waste; 6) recirculate landfill leachate and landfill gas condensate; 7) accept non-hazardous sludge for disposal; 8) modify the daily permitted tonnage from 4,000 tons per day (tpd) to 4,500 tpd; 9) modify the daily permitted green waste/ADC/other material used for beneficial re-use from 800 tpd to 300 tpd; 10) revise acceptance of treated wood waste from 30 tpd to 130 tons per month; 11) include the additional air space of 836,000 cubic yards due to the increased compaction efficiencies, continued use of tarps and adjustments to final grading design; and 12) change the estimated closure year from 2024 to 2022. These changes are supported by the following environmental document:

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2010101090, was circulated for a 30-day comment period from October 28, 2010 to November 29, 2010. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was adopted by the Lead Agency on January 25, 2011.

Under CEQA Guidelines Section 15162, when an environmental impact report (EIR) has been certified or a negative declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Thus, Section 15164(b) of the CEQA Guidelines provides that an addendum to a ND is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

An Addendum (Addendum) to the 2010 MND was prepared for the revised SWFP by the Lead Agency, dated November 19, 2015. The Addendum was approved by the Riverside County Board of Supervisors on December 15, 2015. The Initial Study/Environmental Checklist and mitigation measures were included within the Addendum analysis of the project changes to support the determination by the LEA that the 2010 MND and Addendum for the Landfill is sufficient for purposes of approval of

the revised SWFP, and that no additional subsequent environmental review is required under CEQA.

The Riverside County Department of Environmental Health (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND and Addendum as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND and Addendum are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 1, 2015, at 14310 Fredrick Street, in the City of Moreno Valley. One member of the public was in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 16, 2016, March 15, 2016, and April 19, 2016. No comments have been received by Department staff.